

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2223 of 2017

1. Rajesh Singh Gond S/o Shri Lakhan Singh Gond, Aged About 25 Years, Caste Gond, R/o Village Ghaghra, Post Office & Police Station Kelhari, District Koriya, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh Through The Station House Officer, Police Station Kelhari, District Koriya, Chhattisgarh.

----Non-applicant

For Applicant – Shri Shivendu Pandya, Advocate.

For Non-applicant/State – Shri Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

01-05-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.2/2017 on 25-01-2017 by Kelhari police, District Koriya, C.G. for the offence under Section 294, 506, 323, 324, 307 of the IPC. After investigation police had filed the charge sheet and the same is pending before the Second Additional Sessions Judge Manendragarh, Distt. Koriya, C.G. as Sessions Trial No.49/17. The applicant is first offender. There is no any earlier criminal antecedent of the applicant. He is in jail since three months five days till date and though the injuries noticed over the frontal region of forehead, on scapular region and on shoulder region, the injury noticed over frontal region was shown as vital for the life, but there is no any material to demonstrate as to how many days the injured was admitted in the hospital, it goes to show that the injured was not at all admitted in the hospital and no any further complication arose out of the said injuries. The applicant will not commit any offence in future and as per allegation, the applicant asked the injured to take him home and offered to take sleep and when the injured was sleeping near the applicant, the applicant assaulted by axe and also gave threat to take

the life, as per allegation on account of some earlier enmity the applicant assaulted the injured which is not correct. He will not commit any offence in future. He may be granted bail till trial and he will cooperate with the trial.

3. Per contra, learned counsel for the non-applicant/State though fairly conceded that the applicant had never involved in any criminal activity earlier, but submitted that considering the way the applicant assaulted the injured, caused one incised wound over forehead, one incised wound over left scapular region and another incised wound in the shoulder in his own house where the injured was sleeping with him, the instant MCRC may be dismissed.

4. Perused the entire material.

5. On due consideration, as the applicant is in jail since three months five days, first offender and it is nowhere mentioned in the charge sheet regarding treatment of the injured as in-door patient in the hospital, the trial may take some time, I am inclined to grant one opportunity to the applicant so that he shall not commit any similar or other offence in future and remain peacefully in the society. Consequently, the instant MCRC is hereby allowed. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs.30,000/- with one solvent surety of the like sum to the satisfaction of the Second Additional Sessions Judge Manendragarh, District Koriya, C.G. for his appearance before the said trial Court as and when directed.

6. It is made clear that this order granting bail to the applicant shall stand cancelled automatically without reference to the Bench by the Court below if (i) the trial Court finds that the applicant suppressed filing or pendency of any other application for grant of bail before this Court or the Hon'ble Apex Court intentionally; (ii) the applicant does not cooperate in the trial; (iii) the applicant is found to be involved in any offence of the like nature; and (iv) the trial Court finds that the applicant remains absent without any sufficient and cogent reason. If bail is cancelled automatically in view of above, the Court below may

proceed further under the provisions of law under intimation.

7. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE

Aadil